

## Message Text

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44

ACTION EUR-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-04

RSC-01 PRS-01 SPC-03 SS-20 SAJ-01 IO-14 ACDA-19 NIC-01

OMB-01 DRC-01 /125 W

----- 086148

O R 1325Z JAN 74

FM USMISSION BERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 2825

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY THEHAGUE

AMEMBASSY WARSAW

CINCEUR FOR POLAD AND OPS

CINCUSAFE FOR POLAD AND OPS

CINCUSAREUR FOR POLAD, OPS AND AEAGC-OCO

USELMLO

C O N F I D E N T I A L BERLIN 61

E.O. 11652: GDS

TAGS: PINS, PL, WB

SUBJECT: ARREST OF POLISH DIPLOMAT

REF: BERLIN 45

1. INASMUCH AS IT WAS APPARENT EARLY IN GAME THAT ALL INTERESTED PARTIES IN BERLIN WISHED TO DISPOSE OF PIELUCZEK CASE AS EXPEDITIOUSLY AS POSSIBLE, AK EXPULSION ORDER WAS ISSUED AFTERNOON JANUARY 11 WITH VIEW TO RELEASING PIELUCZEK AS SOON THEREAFTER AS POSSIBLE. RELEASE WAS DELAYED, HOWEVER, BY COMBINATION OF ADMINISTRATIVE PROBLEMS, DETAILS OF WHICH ARE STILL BEING SORTED OUT, INVOLVING INTERVENTION OF FRG AUTHORITIES, WHO APPARENTLY CONFIDENTIAL

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CLAIMED SOME COMPETENCE IN AFFAIR. IN COURSE OF DAY CONFLICTING STATEMENTS IN REGARD TO PIELUCZEK'S DIPLOMATIC IMMUNITY WERE MADE ON ONE HAND BY GOVERNING MAYOR AND ALLIED SPOKESMAN (WHO PROPERLY NOTED THAT HE HAD NONE),

AND ON OTHER BY FRG FOREIGN MINISTRY SPOKESMAN (WHO WAS QUOTED IN PRESS AS STATING THAT ALL DIPLOMATS, REGARDLESS OF POST OF ACCREDITATION, WERE REGARDED BY BONN AS HAVING IMMUNITY),

2. ACCORDING TO BRITISH, ARRANGEMENT WAS FINALLY WORKED OUT WITH JUSTICE MINISTRY, WHICH PROVIDED THAT FEDERAL AUTHORITIES, ACTING ON BASIS OF AK EXPULSION ORDER, INSTRUCTED BERLIN POLICE TO RELEASE POLE. PIELUCZEK WAS TURNED OVER TO POLISH MILITARY MISSION REPS AT STAAKEN CROSSING POINT INTO GDR (TO MAINTAIN FICTION HE WAS BEING EXPELLED FROM GREATER BERLIN) AT 0050 JANUARY 12.

3. FOLLOWING ALLIED PRESS STATEMENT WAS RELEASED EARLY MORNING JANUARY 12, TOO LATE TO MAKE MORNING PAPERS:  
BEGIN QUOTE: THE ALLIED KOMMANDATURA BOARD FOR THE EXPULSION OF UNDESIRABLE PERSONS HAS ORDERED THE EXPULSION FROM BERLIN OF EUGENIUSZ PIELUCZEK, WHO GIVES HIS PRESENT EMPLOYMENT AS ASSISTANT SHIPPING ATTACHE AT THE POLISH EMBASSY TO THE GDR, ON GROUNDS THAT HIS PRESENCE IS NOT CONDUCIVE TO PUBLIC ORDER AND SECURITY IN THE CITY. PIELUCZEK HAD APPEARED BEFORE A MAGISTRATE (HAFTRICHTER) ON 9 JANUARY AND WAS REMANDED IN CUSTODY UNDER THE GERMAN PENAL CODE ON CHARGES RELATING TO ESPIONAGE ACTIVITIES. PIELUCZEK WAS EXPELLED INTO GDR AT STAAKEN THIS MORNING AT 1250 A.M. END QUOTE

4. COMMENT: IN OUR VIEW, RELEASE OF PIELUCZEK, WAS MISHANDLED AS WERE SOME OTHER ASPECTS OF CASE. LATEST FRG ACTIONS UNFORTIONATLY HAVE LEFT IMPRESSION THAT FRG HAS VOICE, EVEN OVERRIDING ONE, IN DETERMINING MATTERS CONCERNING SECURITY OF WESTERN SECTORS AND STATUS IN CITY OF FOREIGN REPRESENTATIVES. WE THEREFORE BELIEVE WE MUST ANTICIPATE SOVIET PROTEST AGAINST FRG STATEMENTS AT ALLEGED ACTION, AND FOR ONCE ARE LIKELY TO FIND OURSELVES IN SYMPATHY, AT LEAST IN REGARD TO SUBSTANCE. WE RECOMMEND THAT ALLIES IN BONN GROUP EXPRESS DISPLEASURE AT UNHELPFUL AND EVEN MISLEADING INTERVENTION BY FEDERAL SPOKESMAN AND NOTE THAT BONN STATEMENTS NOT ONLY CONFIDENTIAL

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HAVE CREATED DIFFICULTIES FOR ALLIES IN PARTICULAR CASE, BUT ALSO MAY MAKE IT AWKWARD FOR US TO REBUT SOVIET PROTESTS ON MATTERS SUCH AS TAKE-OVER OF FEDERAL LAW ON PRIVILEGES AND IMMUNITIES FOR GDR REPRESENTATION, WHERE SOVIETS ALREADY HAVE ARGUED THAT FRG IS SEEKING TO ASSUME RESPONSIBILITIES RESERVED FOR ALLIES.

5. USCOB CONCURS.KLEIN

CONFIDENTIAL

<< END OF DOCUMENT >>

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**TAGS:** PINS, PL, WB  
**To:** BONN INFO STATE  
LONDON  
MOSCOW  
PARIS  
THEHAGUE  
WARSAW  
CINCEUR FOR POLAD AND OPS

CINCUSAFE FOR POLAD AND OPS  
CINCUSAREUR FOR POLAD, OPS AND AEAGC-OCO  
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